

**LETTER OF TRANSMITTAL**

To: Ms. Shirley Liggins  
North Carolina Department of Environmental  
Quality  
Division of Waste Mangement  
Mail Service Center 1646  
Raleigh, North Carolina 27699

Date: September 21, 2016

**\*\* HAND DELIVER \*\***

Re: Crown Volvo  
Brownfields Property Application

Job No.: LCG-16010

I am sending you the following item(s):

| QUANTITY | UNIT | DESCRIPTION                      |
|----------|------|----------------------------------|
| 1        |      | Brownfields Property Application |
|          |      |                                  |
|          |      |                                  |
|          |      |                                  |
|          |      |                                  |

These are transmitted as checked below:

☐ As requested

☐ For your use

☒ For approval

☐

☒ For review and comment

☐

Remarks:

---



---



---

Copy to: \_\_\_\_\_  
 \_\_\_\_\_

Signed: *Sean Gallagher*  
 Sean Gallagher  
 Project Manager, Environmental  
 Services

**Raleigh-Durham**  
 2905 Meridian Parkway  
 Durham, North Carolina 27713  
 (919) 361-5000

**Charlotte**  
 3436 Toringdon Way, Suite 110  
 Charlotte, North Carolina 28277  
 (704) 527-0800

# Brownfields Property Application

## North Carolina Brownfields Program

[www.ncbrownfields.org](http://www.ncbrownfields.org)

I. PROSPECTIVE DEVELOPER (PD) INFORMATION {USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY}

A. PD information:

Entity name: *LG Crown Volvo, LLC (a Texas LLC)*

Principal Officer: *Todd Harrelson*

Representative: *Todd Harrelson*

Mailing Address:  
*2301 Cedar Springs Road  
Suite 200  
Dallas, TX 75201*

E-mail address:  
[todd@leoncapitalgroup.com](mailto:todd@leoncapitalgroup.com)

Phone No.  
*214.865.8084*

Fax No.:  
*N/A*

Web site:  
[leoncapitalgroup.com](http://leoncapitalgroup.com)



B. PD contact person information (i.e., individual who will serve as the NCBP's point of contact if different than above):

Name: *Brian Nicholson*

Company: *Leon Capital Group*

Mailing Address:  
*5971 Fairview Road  
Suite 450  
Charlotte, NC 28210*

E-Mail Address:  
[bnicholson@leoncapitalgroup.com](mailto:bnicholson@leoncapitalgroup.com)

Phone No.:  
*980.533.4701*

Fax No.:  
*N/A*



- C. Information regarding all parent companies, subsidiaries or other affiliates of PD (attach separate sheet(s) if necessary):

**(Use for LLCs)**

Member-managed or manager-managed?    **Answer: *Manager-managed***

If manager-managed, provide name of manager and percent of ownership:

Name: *LG Capital, LLC*

Ownership (%): *100%*

Mailing Address:  
*2301 Cedar Springs Road  
Suite 200  
Dallas, TX 75201*

E-Mail Address:  
[todd@leoncapitalgroup.com](mailto:todd@leoncapitalgroup.com)

Phone No.:  
*214.865.8084*

Fax No.:  
*N/A*

For all LLCs, list all members of the LLC and provide their percent of ownership:

**\*Ownership information is confidential - See attached affidavit (Attachment I.C.) certifying that none of the members of the LLC have any connection to the current property.**

- D. Does PD have or can it obtain the financial means to fully implement a brownfields agreement and assure the safe reuse of the property? (*Attach supporting documentation such as letters of credit, financial statements, etc.*)

Answer: *Yes*

Explanation: *The PD has the financial means as proven through successfully developing over 250 properties with a capitalized value of over \$2 billion. More information can be obtained at <http://leoncapitalgroup.com/>*

- E. Does PD have or can it obtain the managerial means to fully implement a brownfields agreement and assure the safe use of the property?

Answer: *Yes*

Explanation: *The PD has a team located in Charlotte North Carolina. Individuals employed by the PD have previous brownfields program experience during employment with others. Combined with the financial and history of successful*

*redevelopment experience with similar projects, the PD will have the managerial means to fully implement a brownfields agreement.*

- F. Does PD have or can it obtain the technical means to fully implement a brownfields agreement and assure the safe use of the property?

Answer: *Yes*

*Explanation: The PD will contract with McAdams Company to implement the brownfields agreement. Mr. Jeff Tyburski, who will serve as McAdams Project Manager, has over 29 years of experience in the environmental consulting field. He has worked with the NCBP on several other brownfields projects and has developed strong working relationships with NCBP management and staff. Mr. Tyburski is the Director of Environmental Services at McAdams and will utilize his staff as needed to provide technical support to implement the brownfields agreement.*

- G. Does PD commit that it will comply (and has complied, if PD has had a prior project in the NCBP) with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

Answer: *Yes*

*Although the PD does not have prior experience with other NCBP projects, it is highly committed to complying with all applicable and procedural requirements of the NCBP, including prompt payment of all applicable fees. Additionally, the PD has a history of meeting regulatory requirements on other projects to ensure the safety of current and future site occupants.*

- H. Does PD currently own the property?

Answer: *No*

If yes, when did PD purchase the property and from whom? (Provide name, address, telephone number and email address of the contact person for the current property owner.) *N/A*

If no, provide the name, address, telephone number and e-mail address of the contact person for the current property owner.

*The current owner of the three parcels that comprise the subject site is as follows:*

*RENC CH LLC  
6000 Monroe Rd.  
Suite 100  
Charlotte, NC 28212*

*Additional information (i.e. contact persons and phone numbers) can be provided upon request.*

- I. If PD does not currently own the property, does PD have the property under contract to purchase?

Answer: *No*

If yes, provide date of contract.

If no, when does the PD intend to purchase the property (e.g., after the project is determined to be eligible for participation in the NCBP, after PD receives a draft BFA, after the conclusion of the brownfields process)?

*The property transaction is currently in the due diligence phase. The PD intends to buy the property after the project is determined to be eligible for participation in the NCBP.*

- J. Describe all activities that have taken place on the property since PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). (Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)

*The PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD do not currently and have never historically owned or operated at the properties.*

## II. SITE INFORMATION

- A. Information regarding the proposed brownfields property:

Proposed project name: *Former Crown Honda*

Acreage: *6.51*

County: *Orange*

Street Address(es): *1730 Fordham Blvd.*

City: *Chapel Hill*

Zip: *27514*

Tax ID(s) or PIN(s):

| Tract # | PIN #      | Address | Acreage |
|---------|------------|---------|---------|
| Tract 1 | 9799366631 | NL      | 3.39    |
| Tract 2 | 9799367662 | NL      | 0.60    |
| Tract 3 | 9799461235 | NL      | 2.52    |

\*NL = Not Listed in Orange County GIS

Past use(s):



*The site was predominately woodlands and agricultural fields from at least 1938. The site was used for agricultural purposes from 1938 through 1964 when a residence was constructed. The site continued to be utilized for residential and agricultural use until 1980 when the auto sales and service operation was constructed on Tract 1. The site was utilized for automotive sales, service, and repair on Tracts 1 & 2 with residential use of Tract 3 through at least 1993. By 2002, the residences were removed and paved parking for automobiles expanded onto Tract 3. By 2010 the site was vacant and unoccupied. The site was purchased in 2011 by the current owner.*

*Current use(s): The site is currently occupied by the Hendrick Automotive Group. Operations on the site include auto body repair, window tinting, and washing/detailing. The remaining portions of the site consist of asphalt parking lots utilized for new car inventory and undeveloped woodlands.*

*Cause(s)/source(s) of contamination:*

*Known:*

*The site was first developed with a car dealership on Tract 1 by 1980. Since that time the site has been utilized for automotive sales, service, auto body repair, and car washing/detailing activities. Information about historical site operations is limited with regard to potential sources of contamination in addition to those described below.*

*A 3,000-gallon waste oil UST and a 10,000-gallon gasoline UST were removed from the south side of the onsite building (Incident No. 26482). No contaminated soils were encountered during the removal of the gasoline tank, product lines, or dispenser. Minor soil impacts were found during the removal of a waste oil UST. Oil and grease concentrations identified in soils were determined to be associated with organic matter and not from petroleum compounds. The incident was reported to be closed on August 16, 1994. Confirmation that no residual petroleum is associated with these former USTs will be conducted during site redevelopment/construction activities.*

*A 2,000-gallon waste oil UST and 1,000-gallon new oil UST were removed from the south side of the onsite building in March 1998 (LUST Incident No. 19316). No soil contamination or evidence of a release was discovered during the removal of either tank. On November 19, 1998, NCDENR Division of Waste Management issued a Notice of No Further Action (NFA). A release incident was apparently assigned in order to obtain NFA status for the former tanks. Confirmation that no residual petroleum is associated with these former USTs will also be obtained during site redevelopment/construction activities.*

*Twenty in-ground hydraulic lifts and an oil-water separator were used on the site. Excavation activities were completed at the site to remove the in-ground lifts and the oil-water separator. Evidence of a release was identified and impacted soils were excavated for off-site disposal (Incident No. 26611 and LAST Incident No. 87983). Excavation activities were completed to the allowable extents based on location within the building. Confirmation soil sampling identified the presence of solvents, tetrachloroethylene (PCE), and trichloroethylene (TCE) and a number of petroleum constituents. The presence of*

*petroleum constituents was attributed to the hydraulic petroleum release incident and the regulatory agency issued a NFA letter. Available information indicates that residual petroleum contamination is still present beneath the building. The chlorinated hydrocarbon release incident, however, was assigned a separate release identification which remains open in the NCDEQ files. At this time no additional assessment has been conducted to address the presence of chlorinated solvents. As a result, the site is currently listed with the Inactive State Hazardous Sites Branch.*

*Phase II assessment activities conducted during the due diligence process on behalf of the PD has confirmed the presence of relatively low levels of petroleum hydrocarbons in soil at several locations across the site. The detections appear to be associated with historical use of the site for automotive repair.*

- B. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.) previously or currently assigned by any federal, state or local environmental regulatory agencies for the property. The ID No's may include CERCLIS numbers, RCRA generator numbers for past and present operations, UST database, Division of Water Quality's incident management database, and/or Inactive Hazardous Sites Branch inventory numbers. (In many instances, the PD will need to actively seek out this information by reading environmental site assessment reports, reviewing government files, contacting government officials, and through the use of government databases, many of which may be available over the internet.)

Agency Name/ID No: *Leaking Underground Storage Tank (LUST) site (Incident No. 19316)*

Agency Name/ID No: *LUST site (Incident No. 26482)*

Agency Name/ID No: *LUST site (Incident No. 26611)*

Agency Name/ID No: *Leaking Aboveground Storage Tank (LAST) site (Incident No. 87983)*

Agency Name/ID No: *UST site (Facility ID: 00-2-0000020754)*

Agency Name/ID No: *State Hazardous Waste Site (SHWS) (EPA ID: NONCD0001570)*

Agency Name/ID No: *Orange Water and Sewer Authority (OWASA) SPILLS site (Incident No. 201401417)*

- C. In what way(s) is the property is abandoned, idled, or underused?

*The site is no longer used for the capacity that it was originally intended as a full-service automotive dealership. The current occupant only utilizes the site for auto body repair, window tinting, and washing/detailing. The remaining portions of the site consist of asphalt parking lots utilized for new car inventory and undeveloped woodlands. These operations*



are to support the nearby automotive dealership facility also operated by the occupant of the site. The occupant no longer conducts auto sales at the site and portions of the original infrastructure has been decommissioned (hydraulic lifts, oil-water separators, USTs, etc.) as a result of petroleum and chlorinated solvent impacts.

The site is located in a vibrant commercial business corridor near the crossroads of US Highway 15-501 (Durham-Chapel Hill Blvd.), Franklin Street, and Fordham Blvd. This area hosts a variety of businesses and residential communities that have experienced recent growth and development. Considering the location of the site in a busy and growing commercial corridor, the property is not currently being utilized for its best and highest use.

- D. In what way(s) is the actual or possible contamination at the property a hindrance to development or redevelopment of the property (attach any supporting documentation such as letters from lending institutions)?

The site is currently listed by the NCDEQ Inactive Hazardous Sites Branch (IHSB) as a State Hazardous Waste Site (SWS) for the residual chlorinated solvents identified in soil samples during the closure of the in-ground hydraulic lifts. Additional regulatory action is required to address this incident. The presence of the chlorinated solvents and residual petroleum in soil will present a number of challenges, and as such, is a hindrance for site redevelopment.

- E. In what way(s) is the redevelopment of the property difficult or impossible without a brownfields agreement (attach any supporting documentation such as letters from lending institutions)?

It is difficult to secure financing for the project without the liability protections and tax incentives under an executed Brownfields Agreement. Without the relative certainty of a Brownfields Agreement, it is difficult to prepare an overall redevelopment budget that can be accepted by lenders, investors and other project participants. For all of these reasons, the contamination on the site will hinder development.

- F. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit? Be as specific as possible.

The site is planned to be redeveloped into a five story apartment community that will replace the existing automotive service facility. The new community will consist of approximately 300 units and a parking deck. A copy of the preliminary concept plan for the redevelopment as an apartment community are provided as Attachment I.F.

- G. Current tax value of brownfields property: \$

The sum total of all the properties according the Orange County GIS is **\$5,368,000**. A breakdown of the value of each property is provided in the table below.



| Tract # | PIN #      | Tax Value   |
|---------|------------|-------------|
| Tract 1 | 9799366631 | \$3,861,800 |
| Tract 2 | 9799367662 | \$427,900   |
| Tract 3 | 9799461235 | \$1,078,300 |

H. Estimated capital investment in redevelopment project: **\$58 Million**

I. List and describe the public benefits that will result from the property's redevelopment. Be as specific as possible. (Examples of public benefits for brownfields projects include job creation, tax base increases, revitalization of blighted areas, preserved green space, preserved historic places, improving disadvantaged neighborhood quality-of-life related retail shopping opportunities, affordable housing, environmental cleanup activities or set asides that have community or environmental benefits. In gauging public benefit, NCBP places great value upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. *The inclusion of such support letters with this application is recommended and encouraged.*)

Special Note: Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

*The new residential community will provide economic benefits to the surrounding commercial businesses by increasing the number of residences in the area, and improving the overall appearance and pedestrian experience of the commercial corridor. The new apartments will foster a vibrant and responsible community for working professionals. The new residences on site will be within a walkable proximity or short commute to essential retail and public services thereby reducing the dependency on vehicular travel for residents, reducing the long-term carbon footprint of the project.*

*The redevelopment will allow higher reuse of the subject site, enhance the surrounding area and provide a greater tax base and overall public benefit. The redevelopment of the site will provide a significant increase in property value of the site and therefore increase property values and tax base of the surrounding area.*

J. Who will own the brownfields property when the Notice of Brownfields Property is filed with the register of deeds at the conclusion of the brownfields process? (If information is the same as 1.A. above, please indicate.)

*Same as PD identified under Section 1.A.*

### III. OTHER REQUIRED INFORMATION

- A. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. (Note: The form to use for this affidavit is attached to this application. An original hard copy of this affidavit must be filled out, signed, notarized and submitted with this application.)  
Is the required affidavit, as described above, included with this application?

Answer: *Yes (Attachment III.A.)*

- B. Proposed Brownfields Agreement Form: PD must provide the completed form Proposed Brownfields Agreement. (Note: The form to use for this document is attached to this application. It must be filled out, initialed, and attached on your submittal.)  
Is the required Proposed Brownfields Agreement , as described above, included with this application?

Answer: *Yes (Attachment III.B.)*

- C. Location Map: PD must provide a copy of the relevant portion of the 1:24,000 scale [U.S.G.S. topographic quadrangle map](#) that shows the location of the property, clearly plotted, and that measures at least an 8 1/2 by 11 inches. (Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this type of map format as the base for its location map.)  
Is the required location map included with this application?

Answer: *Yes. The map was extracted from the WithersRavenel February 24, 2016 Phase I Environmental Site Assessment and is included as Attachment III.C.*

- D. Survey Plat: PD must provide a preliminary survey plat of the brownfields property with the property boundaries clearly identified, and a metes and bounds legal description that matches the property description on the plat. At this stage of the brownfields process, one or more existing survey plats from a previous property conveyance will suffice. (Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields survey plat guidance.)  
Is the required preliminary survey plat included with this application?

Answer: *Yes (Attachment III.D.)*

- E. Site Photographs: PD must provide at least one pre-redevelopment photograph of



the property, in either hard copy or electronic format, that shows existing facilities and structures. **Please note that the NCBP prefers to have electronic photos instead of or in addition to hard copies. Electronic copies of photographs should be emailed to: [Shirley.Liggins@ncdenr.gov](mailto:Shirley.Liggins@ncdenr.gov) with a clear indication as to which Brownfields Application they apply to.**

Are photographs of the property included with this application?

*Answer: Yes. The photographs were extracted from the WithersRavenel February 24, 2016 Phase I Environmental Site Assessment and are included as Attachment III.E.*

Have electronic copies of the photographs been emailed to NCBP?

*Answer: Yes (sent via e-mail to Shirley Liggins)*

- F. Environmental Reports/Data: If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the property on CD only. The brownfields process may be expedited if PD submits such reports/data with this application.

Are any environmental reports/data being submitted with this application?

*Answer: No. Reports generated during the due diligence process on behalf of the prospective purchaser will be provided to the NCBP upon receipt of an eligibility determination and purchase of the subject site.*

#### **IV. ADDITIONAL REQUIRED FORMS**

**The following forms are to be filled out and submitted with the application including the Responsibility and Compliance Affidavit and the Proposed Brownfields Agreement. Submittal of the Affidavit requires signature and notarization, and the Proposed Brownfields Application requires an initial.**



Attachment I.C. –  
PD Ownership Affidavit

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**NORTH CAROLINA BROWNFIELDS PROGRAM**

|                                                                                                                                            |                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>IN THE MATTER OF:</b><br><b>UNDER THE AUTHORITY OF )</b><br><b>NORTH CAROLINA GENERAL )</b><br><b>STATUTES § 130A-310.30, et. seq.)</b> | <b>LG Crown Volvo, LLC (a Texas LLC)</b><br><b>AFFIDAVIT</b><br><b>RE: PROSPECTIVE DEVELOPER'S</b><br><b>RELATIONSHIP TO THE PROPERTY</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|

Mr. Todd Harrelson, being duly sworn, hereby deposes and says:

1. I am a Principal Officer of the manager of LG Crown Volvo, LLC (a Texas LLC).
2. I am fully authorized to make the declarations contained herein and to legally bind LG Crown Volvo, LLC (a Texas LLC).
3. LG Crown Volvo, LLC (a Texas LLC) is applying for a Brownfields Agreement with the North Carolina Department of Environmental Quality, pursuant to N.C.G.S. § 130A, Article 9, Part 5 (Brownfields Act), in relation to the following parcels and addresses listed in the table below located in Chapel Hill, Orange County, North Carolina:

| Tract # | PIN #      | Address |
|---------|------------|---------|
| Tract 1 | 9799366631 | NL      |
| Tract 2 | 9799367662 | NL      |
| Tract 3 | 9799461235 | NL      |

\*NL = Not Listed in Orange County GIS

4. I have personal knowledge of the members of LG Crown Volvo, LLC (a Texas LLC).
5. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that to my actual knowledge, none of the members of LG Crown Volvo, LLC (a Texas LLC) have previously held any ownership or possessory interest in any of parcels identified in Paragraph 3, above, nor have they previous had any ability to control the use of those parcels in any way.

Affiant further saith not.

*J. Todd Harrelson*      J. Todd Harrelson  
Signature/Printed Name

Date 9/20/2016

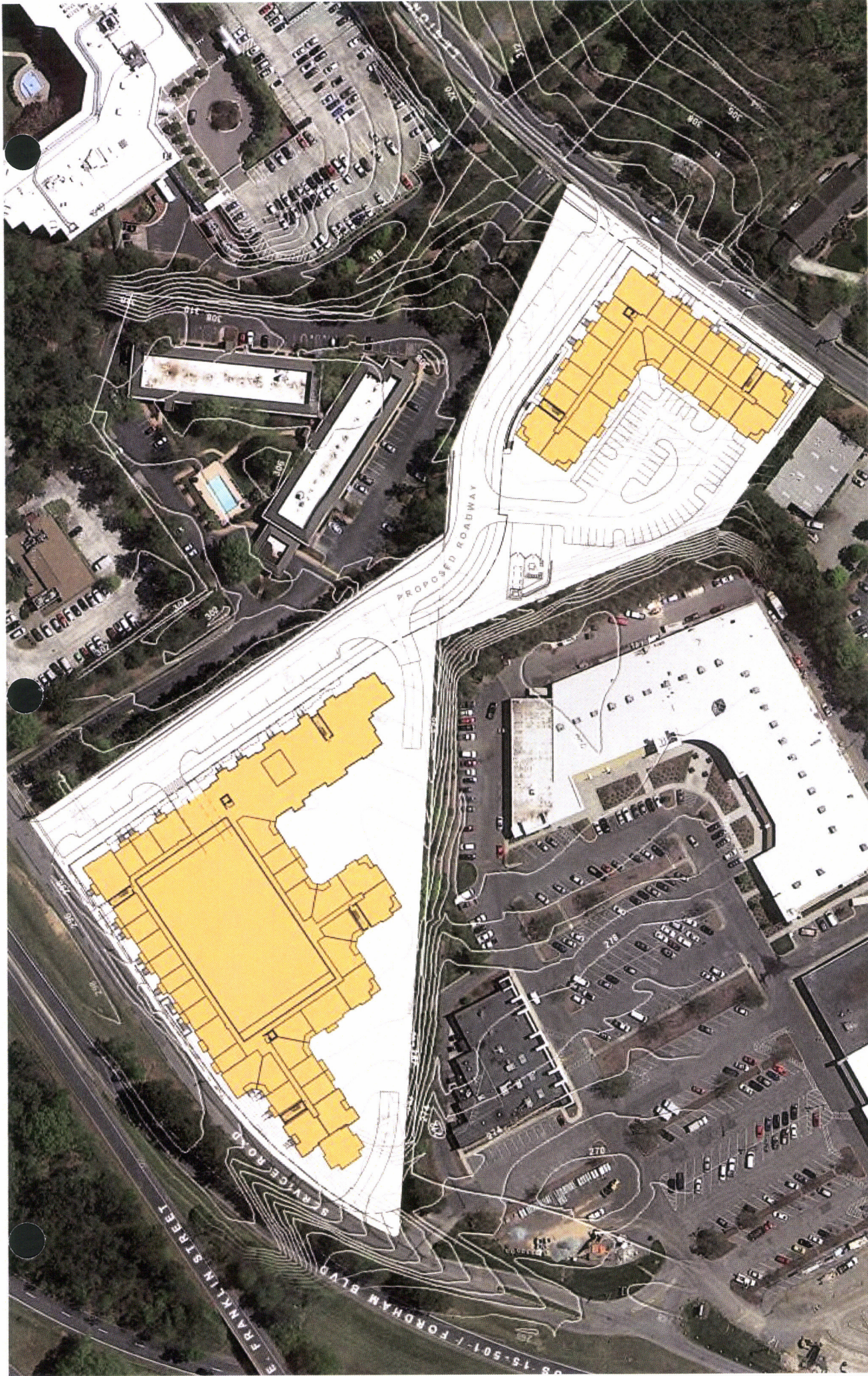
Sworn to and subscribed before me  
this 20 day of Sept, 2016.

*Rebecca Morris* Notary Public  
My commission expires: 26 May 2019



Attachment I.F. –  
Concept Plan





SEPTMBER 16, 2016  
THIS PLAN IS PRELIMINARY AND IS SUBJECT TO CHANGE



NOT  
A



**HILLSTONE CHAPEL HILL**  
1730 FORDHAM BLVD, CHAPEL HILL, NORTH CAROLINA





# Attachment II.A. — Site Map

*- Acquired from Phase I Environmental Site Assessment, WithersRavenel, February 24, 2016*







Attachment III.A. –  
Brownfields Affidavit

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**NORTH CAROLINA BROWNFIELDS PROGRAM**

|                                          |                                          |
|------------------------------------------|------------------------------------------|
| <b>IN THE MATTER OF:</b>                 | <b>LG Crown Volvo, LLC (a Texas LLC)</b> |
| <b>UNDER THE AUTHORITY OF )</b>          | <b>AFFIDAVIT</b>                         |
| <b>NORTH CAROLINA GENERAL )</b>          | <b>RE: RESPONSIBILITY</b>                |
| <b>STATUTES § 130A-310.30, et. seq.)</b> | <b>AND COMPLIANCE</b>                    |

Mr. Todd Harrelson, being duly sworn, hereby deposes and says:

1. I am a Principal Officer of the manager of LG Crown Volvo, LLC (a Texas LLC).
2. I am fully authorized to make the declarations contained herein and to legally bind LG Crown Volvo, LLC (a Texas LLC).
3. LG Crown Volvo, LLC (a Texas LLC) is applying for a Brownfields Agreement with the North Carolina Department of Environmental Quality, pursuant to N.C.G.S. § 130A, Article 9, Part 5 (Brownfields Act), in relation to the following parcels and addresses listed in the table below located in Chapel Hill, Orange County, North Carolina:

| Tract # | PIN #      | Address |
|---------|------------|---------|
| Tract 1 | 9799366631 | NL      |
| Tract 2 | 9799367662 | NL      |
| Tract 3 | 9799461235 | NL      |

\*NL = Not Listed in Orange County GIS

4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that LG Crown Volvo, LLC (a Texas LLC), and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. § 130A-310.31(b)(10), in that it has a bona fide, demonstrable desire to develop or redevelop, and did not cause or contribute to the contamination at, the parcel(s) cited in the preceding paragraph.
5. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that LG Crown Volvo, LLC (a Texas LLC) meets the eligibility requirement of N.C.G.S. § 130A-310.32(a)(1) in that it and any parent, subsidiary or other affiliate have substantially complied with:
  - a. the terms of any brownfields or similar agreement to which it or any parent, subsidiary or other affiliate has been a party;
  - b. the requirements applicable to any remediation in which it or any parent, subsidiary or other affiliate has previously engaged;
  - c. federal and state laws, regulations and rules for the protection of the environment.  
Affiant further saith not.

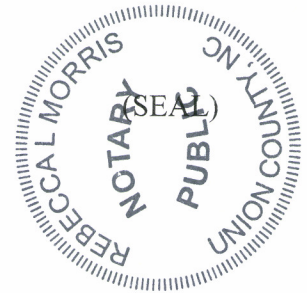


J. Todd Harrelson J. Todd Harrelson  
Signature/Printed Name

Date 9/20/2016

Sworn to and subscribed before me  
this 20 day of , 2016.

Rebecca Morris Notary Public  
My commission expires: 26 May 2019



Attachment III.B. –  
Proposed Brownfields Agreement

## Preliminary Proposed Brownfields Agreement

### I. Property Facts

- a. Property Address(es): *The properties do not have a listed address according to Orange County GIS (see table below). The Former Crown Honda facility operated with an address of 1730 Fordham Blvd., Chapel Hill, NC, 27514.*

| Tract # | PIN #      | Owner       | Property Address | Acreage |
|---------|------------|-------------|------------------|---------|
| Tract 1 | 9799366631 | RENC CH LLC | NL               | 3.39    |
| Tract 2 | 9799367662 | RENC CH LLC | NL               | 0.60    |
| Tract 3 | 9799461235 | RENC CH LLC | NL               | 2.52    |

\*NL = Not Listed in Orange County GIS

- b. Property Seller(s): *See table above*
- c. Property Buyer: *LG Crown Volvo, LLC (a Texas LLC)*
- d. Brief Property Usage History:

*The site was predominately woodlands and agricultural fields from at least 1938. The site was used for agricultural purposes from 1938 through 1964 when a residence was constructed. The site continued to be utilized for residential and agricultural use until 1980 when the auto sales and service was constructed on Tract 1. The site was utilized for automotive sales, service, and repair on Tracts 1 & 2 with residential use of Tract 3 through at least 1993. By 2002, the residences were removed and paved parking for automobiles expanded onto Tract 3. By 2010 the site was vacant and unoccupied. The site was purchased in 2011 by the current owner. The site is currently occupied by Hendrick Automotive. Operations on the site include auto body repair, window tinting, and washing/detailing. The remaining portions of the site consist of asphalt parking lots utilized for new car inventory and undeveloped woodlands.*

- e. The planned reuse will potentially involve the following use classification(s) (check all that apply):

- ☐ School/childcare/senior care
- ☒ Residential
- ☐ Commercial, retail (specify)
- ☐ Other commercial (specify)
- ☐ Office
- ☐ Light industrial
- ☐ Heavy industrial
- ☐ Recreational
- ☐ Open space
- ☐ Other (specify)

### II. Contaminant Information



- a. The contaminant situation at the property is best described by the following (check all that apply):

- ☒ Contaminants are from an on-property source(s)  
☐ Contaminants are from an off-property source(s)  
☐ Contaminants are from an unknown source(s)  
☐ Contaminants have not yet been documented on the property

- b. Contaminated Media Table. (If known, check appropriate boxes below)

| Contaminant Types                              |                                                                                                                                      | Soil  |           | Groundwater and/or Surface Water |           | Private Wells |           | Vapor Intrusion |           |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-------|-----------|----------------------------------|-----------|---------------|-----------|-----------------|-----------|
|                                                |                                                                                                                                      | known | suspected | known                            | suspected | known         | suspected | known           | suspected |
| o<br>r<br>g<br>a<br>n<br>i<br>c<br>s           | Chlorinated Solvents (list):                                                                                                         | X     | X         |                                  |           |               |           |                 | X         |
|                                                | Petroleum:<br>ASTs <input checked="" type="checkbox"/><br>USTs <input checked="" type="checkbox"/><br>Other <input type="checkbox"/> | X     | X         |                                  |           |               |           |                 |           |
| i<br>n<br>o<br>r<br>g<br>a<br>n<br>i<br>c<br>s | Metals (list):                                                                                                                       |       |           |                                  |           |               |           |                 |           |
|                                                | Other (list):                                                                                                                        |       |           |                                  |           |               |           |                 |           |

### III. Protective Measures

I am prepared to take steps necessary to make the property suitable for its planned uses while fully protecting public health and the environment. I propose that NCBP consider a brownfields agreement that will make the property suitable for the planned use(s) through the following mechanism(s) (check all that apply):

- ☒ Contaminant remediation to risk-based levels.  
☒ Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)  
☒ Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: In*

*any final brownfields agreement generated by the NCBP, land use restrictions will ultimately come with the continuing obligation to submit an annual certification that the Land Use Restrictions are being complied with and remain recorded at the applicable register of deeds office.)*

#### IV. Fees

In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environmental Quality and the Department of Justice. In satisfaction of the Act, the following fees apply to a brownfields agreement that is developed for this project under the standard program, subject to negotiation of the brownfields agreement:

- a. A \$2,000 initial fee will be due from the applicant PD when both of the following occur:
  - 1) NCBP receives this application, the affidavit and proposed brownfields agreement, AND
  - 2) NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a brownfields agreement.
- b. A second fee of \$6,000 will be due from the PD prior to execution of the brownfields agreement. Should the prospective developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.
- c. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least \$1,000.
- d. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP's costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees.
- e. Additional fees are charged for the Ready for Reuse and Redevelopment Now programs.

☒ SG Please check this box and initial in space provided to indicate your acknowledgement of the standard brownfields fee structure.

☐ \_\_\_\_\_ Please check this box and initial in space provided to indicate your interest in the Ready for Reuse or the Redevelopment Now programs, and your acknowledgement of the alternate fee structure as outlined in the Ready for Reuse or the Redevelopment Now Fee Consent Document (under separate cover).

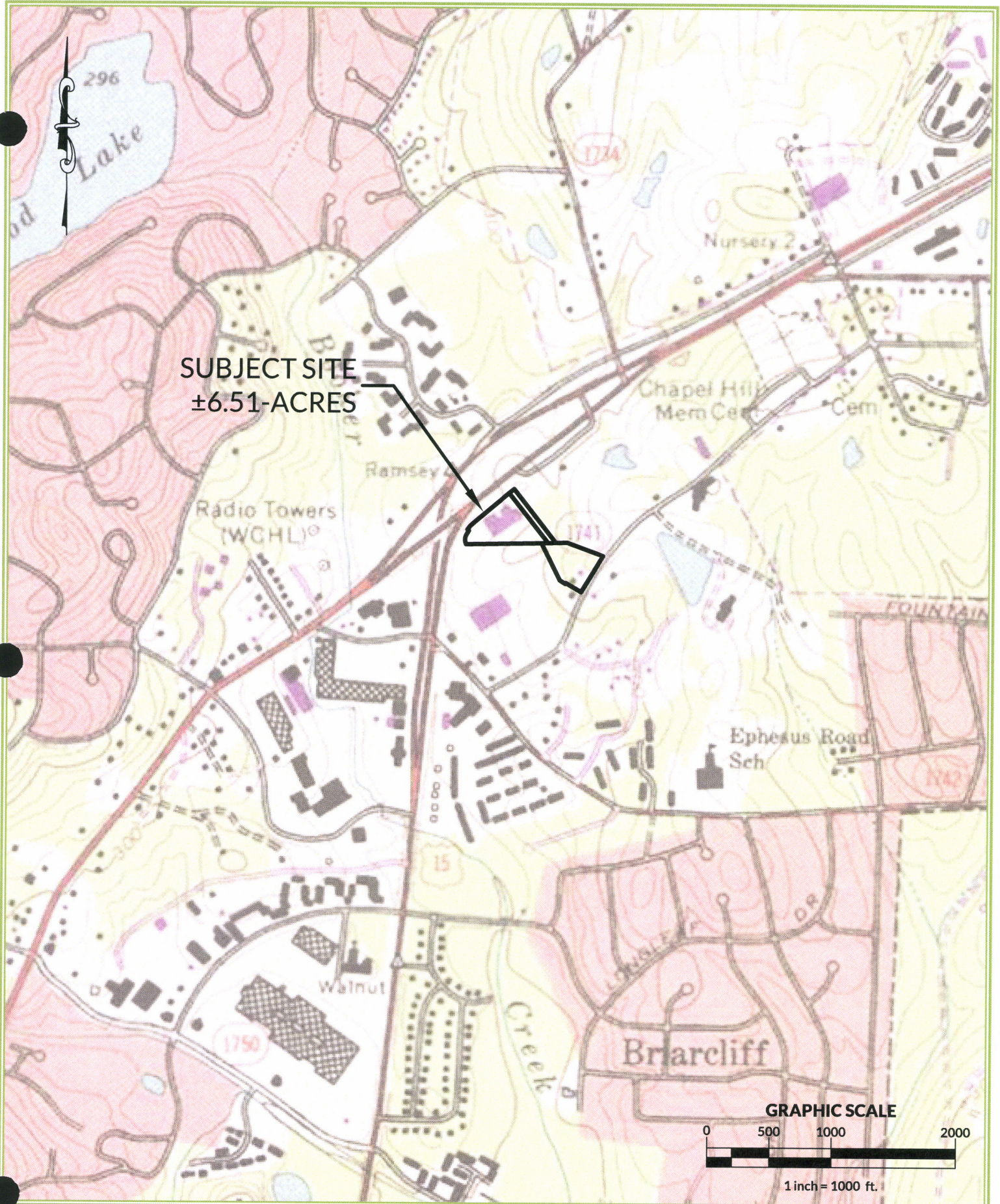
Date of Submittal: 9/20/2016

SEAN GALLAGHER (SG) FROM McADAMS  
FOR MR. TODD HARRELSON

# Attachment III.C. – Location Map

*- Acquired from Phase I Environmental Site Assessment, WithersRavenel, February 24, 2016*





**WithersRavenel**  
Engineers | Planners | Surveyors

115 MacKenzie Drive | Cary, NC 27511 | T: 919.469.3340 | License #: C-0832 | www.withersravenel.com

### CHAPEL HILL VOLVO

1730 FORDHAM BOULEVARD  
CHAPEL HILL, ORANGE COUNTY, NC

### GENERAL LOCATION MAP

|              |          |              |
|--------------|----------|--------------|
| DRAWN BY:    | SCALE:   | FIGURE NO.:  |
| PF           | 1"=1000' | 1            |
| APPROVED BY: | DATE:    | PROJECT NO.: |
| CB           | 2/1016   | 02160061.0   |



Attachment III.D. –  
Survey Plat(s)





# Attachment III.E. — Site Photographs

*- Acquired from Phase I Environmental Site Assessment, WithersRavenel, February 24, 2016*

Frame No. 1



Description: View of the former Honda and Volvo car sales and service building.

Frame No. 2



Description: View of paved parking along Tract 2 of the site.



Frame No. 21



Description: Additional view across the southern exterior of the building.

Frame No. 22



Description: View of new car inventory parking across southern portion of Tract 1.



Frame No. 25



Description: Wood pallet debris along western edge of Tract 1.

Frame No. 26



Description: View of the western parking area on Tract 1.



Frame No. 27



Description: View of parking area for new car inventory on Tract 3.

Frame No. 28



Description: Additional view of parking on Tract 3.



Frame No. 29



Description: View of remaining residential foundation on the southern portion of Tract 3.

Frame No. 30



Description: View of wooded area on Tract 3 with mounds of apparent soil.



Frame No. 33



Description: View of Legion Road along the southern boundary of the site.

Frame No. 34



Description: View of the service road along the northern boundary of the site.